

## SELF-SERVICE CENTER

# PROCEDURES: HOW TO FILE AN APPLICATION AND AFFIDAVIT FOR DEFAULT and HOW TO GET A DEFAULT HEARING

If the other party files a Response/Answer with the Court, YOU CANNOT GET A DEFAULT HEARING.

## APPLICATION AND AFFIDAVIT FOR DEFAULT: TIME FRAMES AND FILING

**STEP 1:** **BEGIN COUNTING THE DAY AFTER THE OTHER PARTY WAS SERVED WITH THE PETITION/COMPLAINT.** Look at the Default Timetable below to find the method of service you used and the number of days you should count.

**INCLUDE WEEKENDS AND HOLIDAYS** until you reach the number of days listed in the Default Timetable. If the **last** day for the other party to respond falls on a Saturday, Sunday, or legal holiday, **DO NOT** count that day.

### DEFAULT TIMETABLE

SERVICE BY	COUNT	EVENT
Acceptance of Service in Arizona	20 Days	after other party signs the <b>"Acceptance of Service"</b>
Delivery with Signature Confirmation	20 Days	after other party signs an acknowledgement of delivery*
Process Server in Arizona	20 Days	after other party receives papers from a process server
Sheriff in Arizona	20 Days	after other party receives papers from Sheriff
Service on Inmate in Arizona	20 Days	after other party receives papers from Sheriff
Acceptance of Service out of State	30 Days	after the other party signs the <b>"Acceptance of Service"</b>
Process Server out of State	30 Days	after other party receives papers from a process server
Sheriff out of State	30 Days	after other party receives papers from Sheriff
Service on Inmate out of State	30 Days	after other party receives papers from Sheriff
Registered Mail out of State	30 Days	after other party signs a green return receipt card
Delivery with Signature Confirmation	30 Days	after other party signs an acknowledgment of delivery*
Publication	60 Days	after 1 <sup>st</sup> publication

\*available for family court matters only

**STEP 2:** Depending on **HOW** the papers were served on the other party, wait the number of days indicated above. **If the other party did not file an Answer/Response with the Court within the time frame indicated, complete the "Application and Affidavit for Default", file it and mail or deliver a copy to the other party as instructed below. You must take this action for your case to proceed.**

**STEP 3:** **SIGNATURE:** Go to a Deputy Clerk of the Superior Court or a Notary Public and sign the **"Application and Affidavit for Default."** Bring a picture ID with you and **make sure** you date the **"Application and Affidavit for Default"** with the date you are signing it. Do **not** go to the Notary Public or Clerk or sign the **"Application and Affidavit for Default"** before the amount of time shown in the Default Timetable above has passed.

**COPIES:** Make **two copies** of your notarized **"Application and Affidavit for Default"**.

**STEP 4:** **FILE** File the original with the Clerk of the Court at any of these locations:  
**Central Court Building**, 201 West Jefferson Street, Phoenix, AZ 85003 (1<sup>st</sup> Floor);  
**Northwest Court Building**, 14264 West Tierra Buena Lane, Surprise, AZ. 85374;  
**Southeast Court Building**, 222 East Javelina Drive, Mesa AZ 85210; OR  
**Northeast Regional Court Center**, 18380 North 40<sup>th</sup> Street, Phoenix, AZ 85032.

**CLERK:** Hand the original & both copies of the **"Application and Affidavit for Default"** to the Clerk at the filing counter. The Clerk will keep the original, date-stamp both sets of copies and return the copies to you. **Make sure both** copies are stamped.

**MAIL:** Mail or hand-deliver one of the date-stamped copies of the **"Application and Affidavit for Default"** to the other party on the same day you file the papers with the Clerk of the Court. Keep the other copy for your records.

## HOW TO GET A DEFAULT HEARING

**STEP 5: COUNTING FROM THE DAY AFTER THE “APPLICATION AND AFFIDAVIT” WAS FILED, WAIT 10 WORKING DAYS BEFORE PROCEEDING TO STEP 6.**

**STEP 6: FILL OUT THE “DEFAULT SCREENING CHECKLIST”** (the next document in this packet).

**STEP 7: SCHEDULE YOUR OWN HEARING:**

- OVER THE INTERNET AT: <http://ecourt.maricopa.gov/dod> OR
- BY CALLING 602-372-3332

- If you call before noon, you may be able to schedule a hearing as soon as the next day.
- You can also schedule your hearing for a future date.
- Publication and/or Interpreter matters can only be scheduled on specific days of the week.

**STEP 8: PREPARE FOR THE COURT HEARING**

- **GET YOUR PAPERS TOGETHER.** Read the instructions for the Court Order/Decree packet that applies to your case. Fill out the Order or Decree and **MAKE COPIES** as instructed. Bring all required court papers to your hearing. If you do not bring all required documents, your hearing will be rescheduled.
- **IF THE COURT PAPERS YOU FILED INCLUDE A REQUEST TO ESTABLISH CUSTODY AND/OR VISITATION** (other than “Grandparent Visitation”), the person asking for the default hearing, **must** attend the **PARENT INFORMATION PROGRAM** and file the “**Certificate of Completion**” before that person can get a default hearing. If you have questions concerning the Parent Information Program, call 602-506-1448.
- **IF THE COURT PAPERS YOU FILED INCLUDE A REQUEST TO ESTABLISH CHILD SUPPORT**, and you do not already have a Temporary Order for Child Support, you must bring the following:
  - ✓ **Gross Monthly Income information** for both parties (If unknown, last known income, income earning potential or minimum wage may be used to calculate child support).
  - ✓ **Social Security Numbers and Employer’s name(s), address(es) and telephone number(s).**
  - ✓ **Information About Costs for Children’s day care, medical insurance, special needs, etc.**

**STEP 9: READ “ATTENDING YOUR DEFAULT HEARING - WHAT TO DO IN THE COURTROOM”.**

**STEP 10: GO TO YOUR HEARING AT THE SCHEDULED DATE AND TIME.**

Downtown hearings: Held at 201 West Jefferson Street, Phoenix, Arizona 85003. Check in on the 3 <sup>rd</sup> Floor of the Central Court Building in the DEFAULT ROOM.
Southeast hearings: Held at 222 East Javelina Drive, Mesa, Arizona 85210. Check in at Suite 1300 on the first floor.
Northeast hearings: Held at 18380 North 40 <sup>th</sup> Street, Phoenix, Arizona 85032. Check in at Family Court Administration.
Northwest hearings: Held at 14264 West Tierra Buena Lane, Surprise, Arizona 85374. Check in at the Information Center.

- **DO NOT BRING CHILDREN.**
- **EXPECT TO BE IN THE COURTHOUSE UP TO 4 HOURS OR MORE.**
- Your paperwork will be checked and (if applicable) Child Support calculated before you enter the courtroom.

**ARRIVE BEFORE THE TIME SCHEDULED FOR YOUR HEARING.**

**You cannot be late. If you are late or if you bring your children you hearing will be rescheduled to a different day.**